

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Speech Pathology and Audiology hereby gives Notice of Intended Action to amend Chapter 300, “Licensure of Speech Pathologists and Audiologists,” Chapter 303, “Continuing Education for Speech Pathologists and Audiologists,” and Chapter 304, “Discipline for Speech Pathologists and Audiologists,” Iowa Administrative Code.

These amendments were approved by the Board of Speech Pathology and Audiology at its scheduled meeting held on June 23, 2017.

These proposed amendments update the rules for consistency with terminology used in the Iowa Code, including technical updates throughout all three chapters. The application process is streamlined to require the same documents from all applicants, and a sentence was added to clarify the title approved for use by assistants.

These proposed amendments are intended to provide regulatory clarity to licensees by removing terms that identify specific organizations that offer continuing education and by identifying categories of organizations that may offer continuing education. These amendments reduce the need for the Board to update the rule when new organizations are established or existing organizations experience a name change. The rule also limits to 16 hours the number of continuing education hours a presenter may earn biannually toward the 30 hours of required continuing education.

Consideration will be given to all written comments on the proposed amendments received no later than November 15, 2017. Such written materials should be addressed to Venus Vendoures Walsh, Professional Licensure Division, Department of Public Health, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0075; e-mail venus.vendoures-walsh@idph.state.ia.us.

A public hearing will be held on Wednesday, November 15, 2017, from 1 to 1:30 p.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Division of Professional Licensure are subject to the waiver provisions accorded under 645—Chapter 18.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 147 and sections 154F.3 and 272C.2. The following amendments are proposed.

ITEM 1. Amend rule 645—300.1(147) as follows:

645—300.1(147) Definitions. For purposes of these rules, the following definitions shall apply:

“*Active license*” means a license that is current and has not expired.

“*ASHA*” means the American Speech-Language Hearing Association.

“*Assistant*” means ~~a~~ an unlicensed person who works under the supervision of an Iowa-licensed speech pathologist or audiologist, ~~does not meet the requirements to be licensed as a speech pathologist or audiologist,~~ and meets the minimum requirements set forth in these rules.

“*Audiologist*” means a person who engages in the application of principles, methods and procedures for measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation,

rehabilitation, or remediation related to hearing and disorders of hearing and associated communication disorders for the purpose of nonmedically evaluating, identifying, preventing, ameliorating, modifying, or remediating such disorders and conditions in individuals or groups of individuals, including the determination and use of appropriate amplification.

“Board” means the board of speech pathology and audiology.

“Full-time” means a minimum of 30 hours per week.

“Grace period” means the 30-day period following expiration of a license when the license is still considered to be active. In order to renew a license during the grace period, a licensee is required to pay a late fee.

“Inactive license” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may ~~included~~ include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

“Licensee” means any person licensed to practice as a speech pathologist or audiologist in the state of Iowa.

“License expiration date” means December 31 of odd-numbered years.

“Licensure by endorsement” means the issuance of an Iowa license to practice speech pathology or audiology to an applicant who is or has been licensed in another state.

“On site” means:

1. To be continuously on site and present in the department or facility where services are being provided;
2. To be immediately available to assist the person being supervised in the services being performed; and
3. To provide continued direction of appropriate aspects of each treatment session in which a component of treatment is delegated.

“Reactivate” or *“reactivation”* means the process as outlined in rule 645—300.17(17A,147,272C) by which an inactive license is restored to active status.

“Reciprocal license” means the issuance of an Iowa license to practice speech pathology or audiology to an applicant who is currently licensed in another state which has a mutual agreement with the Iowa board of speech pathology and audiology to license persons that have the same or similar qualifications to those required in Iowa.

“Reinstatement” means the process as outlined in 645—11.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. Once the license is reinstated, the licensee may apply for active status.

“Speech pathologist” means a person who engages in the application of principles, methods, and procedures for the measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, rehabilitation, or remediation related to the development and disorders of speech, fluency, voice, or language for the purpose of nonmedically evaluating, preventing, ameliorating, modifying, or remediating such disorders and conditions in individuals or groups of individuals.

ITEM 2. Amend subrule 300.3(1) as follows:

300.3(1) The applicant shall complete a board-approved application packet. Application forms may be obtained from the board’s Web site (~~<http://www.idph.state.ia.us/licensure>~~) (idph.iowa.gov/licensure) or directly from the board office. All applications shall be sent to Board of Speech Pathology and Audiology, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

ITEM 3. Amend subrule 300.3(4) as follows:

300.3(4) The application shall include:

- a. An official copy of a current ~~American Speech-Language Hearing Association (ASHA)~~ ASHA certificate of clinical competence; or
- b. Submission of the following:

(1) Official copies of academic transcripts sent directly from the school to the board showing proof of possession of a master's degree in speech pathology or a master's or doctoral degree in audiology or the equivalent of one of these degrees and official verification of completion of not less than 400 hours of supervised clinical training;

(2) Verification of nine months of full-time clinical experience, or equivalent, completed after the master's degree, under the supervision of a licensed speech pathologist or audiologist or as a part of the doctoral degree; and

(3) Results of the Praxis Examination.

ITEM 4. Amend subrule 300.4(2) as follows:

300.4(2) Foreign-trained speech pathologists and audiologists shall:

a. Provide an equivalency evaluation of their educational credentials by one of the following: International Educational Research Foundations Foundation, Inc., Credentials Evaluation Service, P.O. Box 3665, Culver City, CA 90231-3665, telephone (310)258-9451, Web site www.ierf.org or E-mail at info@ierf.org; International Credentialing Associates, Inc., 7245 Bryan Dairy Road, Bryan Dairy Business Park II, Largo 10801 Starkey Road, Suite 104 #108, Seminole, FL 33777, telephone (727)549-8555 or Web site www.icaworld.com. The professional curriculum must be equivalent to that stated in these rules. A candidate shall bear the expense of the curriculum evaluation.

~~b. Provide a notarized copy of the certificate or diploma awarded to the applicant from a speech pathology or audiology program in the country in which the applicant was educated.~~

~~c. b.~~ Receive a final determination from the board regarding the application for licensure.

ITEM 5. Amend rule 645—300.6(147), introductory paragraph, as follows:

645—300.6(147) Temporary clinical license. A temporary clinical license for the purpose of obtaining clinical experience as a prerequisite for licensure is valid for one year and may be renewed at the discretion of the board. The license shall be designated “temporary clinical license in speech pathology” or “temporary clinical license in audiology.”

ITEM 6. Amend rule 645—300.8(147), introductory paragraph, as follows:

645—300.8(147) Use of assistants. A licensee shall, in the delivery of professional services, utilize assistants only to the extent provided in these rules. Such assistants shall use the title provided by these rules.

ITEM 7. Amend rule 645—300.9(147) as follows:

645—300.9(147) Licensure by endorsement. An applicant who has been a licensed speech pathologist or audiologist under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

1. Submits to the board a completed application;
2. Pays the licensure fee;
3. Shows evidence of licensure requirements that are similar to those required in Iowa;
- ~~3.~~ 4. Shows evidence of a current ASHA certificate or at least nine months of full-time clinical experience or its equivalent;

- ~~4.~~ 5. Shows evidence that the Praxis Examination scores have been sent directly from the examination service to the board;

- ~~5.~~ 6. Provides official copies of the academic transcripts; and

- ~~6.~~ 7. Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction's board office if the verification provides:

- Licensee's name;
- Date of initial licensure;
- Current licensure status; and

- Any disciplinary action taken against the license.

ITEM 8. Amend subrule 300.11(3) as follows:

300.11(3) A licensee seeking renewal shall:

- Meet the continuing education requirements of rule 645—303.2(147) and the mandatory reporting requirements of subrule 300.11(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and
- Submit the completed renewal application and renewal fee before the license expiration date.
- ~~An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the subsequent renewal two years later.~~

ITEM 9. Amend subrule 300.11(4) as follows:

300.11(4) Mandatory reporter training requirements.

a. A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting in the previous five years or condition(s) for waiver of this requirements as identified in paragraph "~~e.~~" "f."

b. A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of two hours of training in dependent adult abuse identification and reporting in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "~~e.~~" "f."

c. A licensee who, in the scope of professional practice or in the course of employment, examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "~~e.~~" "f."

d. Training may be completed through separate courses as identified in paragraphs "*a*" and "*b*" or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course shall be a curriculum approved by the Iowa department of public health abuse education review panel.

~~*d.*~~ *e.* The licensee shall maintain written documentation for five years after mandatory training as identified in paragraphs "*a*" to "*c*," including program date(s), content, duration, and proof of participation.

~~*e.*~~ *f.* The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

- (1) Is engaged in active duty in the military service of this state or the United States.
- (2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 303.

~~*f.*~~ *g.* The board may select licensees for audit of compliance with the requirements in paragraphs "*a*" to "~~e.~~" "f."

ITEM 10. Amend subrule 300.11(7) as follows:

300.11(7) Late renewal. The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule 305.1(3) 5.20(3). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

ITEM 11. Amend subrule 300.17(2) as follows:

300.17(2) Pay the reactivation fee that is due as specified in 645—~~Chapter 305~~ subrule 5.20(4).

ITEM 12. Amend rule 645—300.18(17A,147,272C) as follows:

645—300.18(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with 645—300.17(17A,147,272C) prior to practicing speech pathology and audiology in this state.

ITEM 13. Amend rule 645—303.1(147) as follows:

645—303.1(147) Definitions. For the purpose of these rules, the following definitions shall apply:

“*AAA*” means the American Association of Audiology.

“*Active license*” means a license that is current and has not expired.

“*Approved program/activity*” means a continuing education program/activity meeting the standards set forth in these rules.

“*ASHA*” means the American Speech-Language Hearing Association.

“*Audit*” means the selection of licensees for verification of satisfactory completion of continuing education requirements during a specified time period.

“*Board*” means the board of speech pathology and audiology.

“*Continuing education*” means ~~a planned individual learning experience or activity~~ an approved program/activity that is directly related to the sciences or contemporary clinical practice of audiology, speech-language pathology and speech-language-hearing science and whose content and focus are beyond the basic preparation required for entry into the professions. These activities result in improving, adding to, or positively changing the knowledge and skills of the licensee to improve the safety and welfare of the public.

“*Hour of continuing education*” means at least 50 minutes spent by a licensee in actual attendance at and completion of an approved continuing education activity.

“*Inactive license*” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

“*License*” means license to practice.

“*Licensee*” means any person licensed to practice speech pathology or audiology or both in the state of Iowa.

ITEM 14. Amend subrule 303.2(3) as follows:

303.2(3) Hours of continuing education credit may be obtained by participation in ~~a continuing education~~ an approved program or activity. Such programs and activities may take place individually or in group settings including in-person conferences, journal readings, teleconferences, videoconferences and online programs or activities as long as such programs and activities meet the criteria specified in the definition of continuing education in rule 645—303.1(147).

ITEM 15. Amend paragraph **303.3(2)“c”** as follows:

c. A licensee may present professional programs which meet the criteria in this rule. Two hours of credit will be allowed for each hour of newly developed presentation material. A maximum of 16 hours may be obtained per biennium. A course schedule or brochure must be maintained for audit.

ITEM 16. Adopt the following new paragraph **303.3(2)“g”**:

g. Continuing education shall be obtained by attending a program that meets the criteria in subrule 303.3(1) including but not limited to continuing education programs offered by AAA and ASHA. Other individuals or groups may offer continuing education programs that meet the criteria in rule 645—303.3(147,272C) through one of the following organizations:

- (1) National, state or local associations of speech pathology and audiology;
- (2) Schools and institutes of speech pathology and audiology;
- (3) Universities, colleges or community colleges.

Continuing education must be offered by or approved in advance of delivery by the organizations stated above.

ITEM 17. Amend subrule 304.2(11) as follows:

304.2(11) Conviction of a crime related to the profession or occupation of the licensee or the conviction of any crime that would affect the licensee's ability to practice within the profession, regardless of whether the judgment of ~~conviction~~ conviction or sentence was deferred. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

ITEM 18. Amend paragraph **304.2(31)“h”** as follows:

h. Failure to comply with current Food and Drug Administration regulations 21 CFR §801.420, “Hearing aid devices; professional and patient labeling,” and 21 CFR §801.421, “Hearing aid devices; conditions for sale.”